4052 Single Bench

(4) (2)

IN THE HIGH COURT OF CHHATTISGARH

AT BILASPUR

WRIT PETITION (S) No. 6009 /2006

PETITIONERS

1. Smt. Chanda Patel
W/o. Shri Vinod Patel,
aged about- 35 years,
Headmistress,
Govt. Pre- Middle School,
Bharni, Block Takhatpur
Distt : Bilaspur (C.G.)

P.R. No. 6043/06
Presented by Shri R. Maheshwari
dated 2-11-06
12:30

2. Smt. Rajshree Bai
W/o. Shri Mahesh Bhagat
aged about- 39 years,
Upper Division Teacher,
Govt. Pre- Middle Boys School,
Ratanpur Distt : Bilaspur (C.G.)

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3. Smt. Pramila Khakha,
W/o. Shri Domanik Kharwa
aged about- 38 years,
Lecturer,
Govt. Pre- Middle School Tarbahar,
Bilaspur, Distt : Bilaspur (C.G.)

4. Smt. Filomina Bada
W/o. Shri T. Ekka
aged about- 38 years,
Upper Division Teacher,
Govt. Pre- Middle School - Podi,
Block Takhatpur Distt : Bilaspur
(C.G.)

OATH COMMISSIONER
APARNA MALVIYA
CG-1072-04
02/11/06
Bilaspur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through - The Secretary,
Department of Education,
D.K.S. Bhawan Raipur (C.G.)

2. Commissioner,
Tribal Welfare Department,
Chhattisgarh Govt. Raipur,

(5) (3)

3. Director , Directorate Public Education Department Raipur Distt.- Raipur (C.G.)

4 District Education Officer, Distt. : Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(31)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.6009 OF 2006

Petitioners : Smt. Chanda Patel and others

versus

Respondents : State of Chhattisgarh and others

Present : Mr. Anup Majumdar, counsel for the petitioners.
Mrs. Anju Ahuja, Deputy Government Advocate for the respondents/State.

ORDER
(Passed on 6th of November, 2006)

By this petition under Articles 226/227 of the Constitution of India, the petitioners seek a direction to the respondents to pay the increments and seniority on the basis of the date of their initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in Original Application No.1452 of 1998 (*Harish Chand Singh and others vs. State of M.P. and others*) dated 31-1-2000, Original Application No.802 of 1998 (*Akhilesh Mishra and others vs. State of Madhya Pradesh and others*) and Original Application No.991 of 1998 (*Ramayan Prasad Dwivedi and others vs. State of M.P. and others*).

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2. Learned counsel appearing for the petitioners has filed a copy of the order dated 6-4-2005 (Annexure P-2) passed by this Court in Writ Petition No.1890 of 2003 (*Chhattisgarh Shikshak Sangh (Teachers Association) vs. State of Chhattisgarh and others*) and submits that the petitioners are similarly situated, therefore, they should be given parity.

3. The cases of the petitioners are that they were appointed as Teacher in the School Education Department on probation for a period of two years with the fixed salary. However, later on, after completion of two years' probation, the petitioners were regularized, but, they were not given the regular pay-scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay-scale, wherein learned Tribunal, vide order dated 31-1-2000, allowed the same. The petitioners made several representations to accord the same treatment as they are also similarly situated teacher, but, the respondents have not paid any heed. Thus, this petition.

4. Learned counsel for the petitioners submits that the petitioners may be allowed to make a representation to respondent No.1 to give similar treatment to the petitioners and the same pay-scale which has been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31-1-2000, to which learned counsel for the respondents/State has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this

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Court, the limited prayer made by learned counsel for the petitioners appears to be reasonable. Therefore, the petitioners are allowed to make a representation within a period of two weeks from today to respondent No.1, raising all their grievances and, in turn, respondent No.1 shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31-1-2000 passed by the learned State Administrative Tribunal in Original Application No.1452 of 1998, and if the petitioners stand on the same footings, as the petitioners in the Original Application No.1452 of 1998, then they be also sanctioned the same pay-scale and seniority.

6. The writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal